

## **REMARKS**

The above Amendments and these Remarks are in reply to the Office Action mailed April 12, 2005. Claims 1-48 were pending in the Application prior to the outstanding Office Action. Claims 1-2, 6-7, 9, 12-13, 16-17, 19, 24-25, 27, 30-31 and 34-35 are being amended. Claims 1-48 remain for the Examiner's consideration. Reconsideration and withdrawal of the outstanding rejections are respectfully requested.

### **I. Oath/Declaration**

In Section 2 of the Office Action it was asserted that the submitted Declaration was defective because it did not identify the city and state of residence of the inventor. However, such information is not necessary, if an application data sheet (ADS) was filed together with the Declaration, as was the case here. Accordingly, Applicant respectfully asserts that the Declaration as filed is proper. Indication of this is requested.

### **II. Provisional Double Patenting Rejection**

In Section 3 of the Office Action, claims 1-18, 19-36, 37-42 and 43-48 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10, 11-20, 21-25 and 26-30 of copending Application No. 10/665,226. In order to expedite allowance of the claims, Applicant is timing filing a Terminal Disclaimer herewith, as recommended by the Examiner. Accordingly, Applicant respectfully requests that this rejection be withdrawn.

### **III. Allowable Subject Matter**

Applicant would like to thank the Examiner for indicating that claims 6-10, 12, 16, 18, 24-28, 30, 34, 36, 38-42 and 44-48 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and if the provisional nonstatutory double patenting rejection were overcome.

### **IV. Summary of Prior Art Rejections**

Claims 13-15 and 31-33 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,585,975 to Bliss (hereafter referred to as "Bliss").

Claims 1-2, 11, 17, 19-20, 29 and 35 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Bliss in view of U.S. Patent No. 6,108,153 to Glover (hereafter referred to as "Glover").

Claims 3-5, 21-23, 37 and 43 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Bliss and Glover in view of U.S. Patent No. 6,487,032 to Cloke (hereafter referred to as "Cloke").

## **V. Discussion of Claims**

### **Claim 1**

While Applicant does not agree with the 103(a) rejection of claim 1, to expedite issuance of a patent, Applicant has amended claim 1 such that it now states that "the desired range includes at least one of an upper limit value and a lower limit value". Bliss and Glover, alone or in combination, do not teach this feature. Accordingly, Applicant respectfully requests that claim 1 be allowed.

### **Claims 2-5 and 7-11**

Claims 2-5 and 7-11 depend from and add additional patentable features to claim 1. Applicant believes that claims 2-5 and 7-11 are patentable for at least the reasons discussed above with regards to claim 1, and for the features that they add.

### **Claim 6**

Allowable claim 6 has been redrafted in independent form, including all the features of its original base claim 1. Accordingly, Applicant respectfully requests that claim 6 be allowed.

### **Claim 12**

Allowable claim 12 has been redrafted in independent form, including all the features of its original base claim 1. Accordingly, Applicant respectfully requests that claim 12 be allowed.

### **Claim 13**

While Applicant does not agree with the 102(b) rejection of claim 13, to expedite issuance of a patent, Applicant has amended claim 13 such that it now states that "the desired range includes at least one of an upper limit value and a lower limit value". Bliss and Glover, alone or in combination, do not teach this feature. Accordingly, Applicant respectfully requests that claim 13 be allowed.

### **Claims 14-15**

Claims 14-15 depend from and add additional patentable features to claim 13. Applicant believes that claims 14-15 are patentable for at least the reasons discussed above with regards to claim 13, and for the features that they add.

### **Claim 16**

Allowable claim 16 has been redrafted in independent form, including all the features of its original base claim 13 and intervening claim 14. Accordingly, Applicant respectfully requests that claim 16 be allowed.

### **Claim 17**

While Applicant does not agree with the 103(a) rejection of claim 17, to expedite issuance of a patent, Applicant has amended claim 17 such that it now states that "the desired range includes at least one of an upper limit value and a lower limit value". Bliss and Glover, alone or in combination, do not teach this feature. Accordingly, Applicant respectfully requests that claim 17 be allowed.

### **Claim 18**

Claim 18 depends from and adds additional patentable features to claim 17. Applicant believes that claim 18 is patentable for at least the reasons discussed above with regards to claim 17, and for the features that it adds.

### **Claim 19**

While Applicant does not agree with the 103(a) rejection of claim 19, to expedite issuance of a patent, Applicant has amended claim 19 such that it now states that "the

desired range includes at least one of an upper limit value and a lower limit value". Bliss and Glover, alone or in combination, do not teach this feature. Accordingly, Applicant respectfully requests that claim 19 be allowed.

**Claims 20-23 and 25-29**

Claims 20-23 and 25-29 depend from and add additional patentable features to claim 19. Applicant believes that claims 20-23 and 25-29 are patentable for at least the reasons discussed above with regards to claim 19, and for the features that they add.

**Claim 24**

Allowable claim 24 has been redrafted in independent form, including all the features of its original base claim 19. Accordingly, Applicant respectfully requests that claim 24 be allowed.

**Claim 30**

Allowable claim 30 has been redrafted in independent form, including all the features of its original base claim 19. Accordingly, Applicant respectfully requests that claim 30 be allowed.

**Claim 31**

While Applicant does not agree with the 102(b) rejection of claim 31, to expedite issuance of a patent Applicant has amended claim 31 such that it now states that "the desired range includes at least one of an upper limit value and a lower limit value". Bliss and Glover, alone or in combination, do not teach this feature. Accordingly, Applicant respectfully requests that claim 31 be allowed.

**Claim 32-33**

Claims 32-33 depend from and add additional patentable features to claim 31. Applicant believes that claims 32-33 are patentable for at least the reasons discussed above with regards to claim 31, and for the features that they add.

#### **Claim 34**

Allowable claim 34 has been redrafted in independent form, including all the features of its original base claim 31 and intervening claim 32. Accordingly, Applicant respectfully requests that claim 34 be allowed.

#### **Claim 35**

While Applicant does not agree with the 103(a) rejection of claim 35, to expedite issuance of a patent, Applicant has amended claim 35 such that it now states that "the desired range includes at least one of an upper limit value and a lower limit value". Bliss and Glover, alone or in combination, do not teach this feature. Accordingly, Applicant respectfully requests that claim 35 be allowed.

#### **Claim 36**

Claim 36 depends from and adds additional patentable features to claim 35. Applicant believes that claim 36 is patentable for at least the reasons discussed above with regards to claim 35, and for the features that it adds.

#### **Claim 37**

Claim 37 requires:

"a register to store an automatic gain control (AGC) value for the servo automatic gain controller; and

a microprocessor to replace the AGC value stored in the register with a value within a desired range, when the AGC value stored in the register is outside the desired range."

It was admitted in the Office Action that Bliss fails to teach "a microprocessor to replace the AGC value stored in the register with a value within a desired range, when the AGC value stored in the register is outside the desired range", as required by claim 37. However, it was alleged that Glover teaches these features in FIG. 1 and at column 5, lines 31-37. For at least the following reasons, Applicants respectfully disagree.

Column 5, lines 31-37 of Glover states the following:

"Microprocessor 28, disk control circuit 24, RAM 26, and ROM 29 together provide control and logic functions to disk drive mass storage system 30 so that data may be received from host 32, stored on disk/head assembly 12, and later retrieved from disk/head assembly 12 and provided back to host 32. ROM 29 stores preloaded microprocessor instructions for use by microprocessor 28 in operating and controlling disk drive mass storage system 30."

Applicant is not asserting that it is unique to include a microprocessor in a disk drive system. Additionally, Applicant is not asserting that it is unique to have a register that stores an AGC value. Rather, Applicant is asserting that it is unique and unobvious that the microprocessor "replace the AGC value stored in the register with a value within a desired range, when the AGC value stored in the register is outside the desired range."

While Glover does teach a disk driver system including a microprocessor, Glover clearly does **not** teach or suggest that its microprocessor replace the AGC value stored in a register "with a value within a desired range, when the AGC value stored in the register is outside the desired range", as is required by claim 37.

For at least the reason discussed above, Applicant respectfully requests that the 103(a) rejection of claim 37 be withdrawn. If the Examiner is to maintain this rejection, Applicant respectfully requests that the Examiner explain in more detail how she is interpreting Glover to teach the above mentioned features of claim 37.

#### **Claims 38-42**

Claims 38-42 were found to be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Claims 38-42 depend from and add additional patentable features to claim 37.

As explained above, Applicant believes that claim 37 is patentable. Accordingly, Applicant believes that claims 38-42 need not be rewritten as suggested, since they depend from a claim which is patentable.

#### **Claim 43**

Claim 43 was rejected for the same reasons that claim 37 was rejected. For reasons similar to those discussed above with regards to claim 37, Applicant asserts that none of the applied references, alone or in combination, teach or suggest a

microprocessor "to replace the servo PLL value stored in the register with a value within a desired range, when the PLL value stored in the register is outside the desired range", as required by claim 43. Accordingly, Applicant respectfully requests that the 103(a) rejection of claim 43 be withdrawn.

#### **Claims 44-48**

Claims 44-48 were found to be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Claims 44-48 depend from and add additional patentable features to claim 43.

As explained above, Applicant believes that claim 43 is patentable. Accordingly, Applicant believes that claims 44-48 need not be rewritten as suggested, since they depend from a claim which is patentable.

In view of the above, Applicants respectfully request that the Examiner reconsider and withdraw the outstanding 102(b) and 103(a) rejections.

#### **VI. Conclusion**

In light of the above, it is respectfully requested that all outstanding rejections be reconsidered and withdrawn. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this reply, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: May 11, 2005

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